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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,830	01/05/2004	Kei Yasuda	2003_1926A	4067
513 7590 07/01/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				
EXAMINER MONIKANG, GEORGE C				
ART UNIT 2615		PAPER NUMBER		
MAIL DATE 07/01/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/750,830

**Applicant(s)**

YASUDA ET AL.

**Examiner**

GEORGE C. MONIKANG

**Art Unit**

2615

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 21-27 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-20, 28-30 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/750,830.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB088)  
Paper No(s)/Mail Date 1/5/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 10/4/2007, with respect to the rejection(s) of claim(s) 12-32 under 10/750,830 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dunstan, US Patent 6,876,310 B2. The following non-final office action is analyzed in regards to claims 13-20, 28-30 & 32 entered on 4/2/2008.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-20, 28-30 & 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunstan, US Patent 6,876,310 B2.

Re Claim 13, Dunstan discloses an apparatus operating system comprising: at least two apparatuses which are to provide output of the same type (fig. 2); and a control server capable of communicating with each of said at least two apparatuses (fig. 4), wherein each of said at least two apparatuses includes a communication section for transmitting to said control server a notification signal indicative of a pending change or

a change in an output state of said each of said at least two apparatuses (fig. 4; col. 6, lines 42-56), and wherein said control server includes (i) a control rule storage section having stored therein a control rule which associates an output state of one of said at least two apparatuses with an output state to be taken by another of said at least two apparatuses when said one of said at least two apparatuses is in the output state thereof (fig. 4; 425; col. 6, lines 42-56), (ii) a location-related information acquiring section for acquiring location related information which is set in association with a location of each of said at least two apparatuses (col. 6, lines 42-56), (iii) a determination section for receiving the notification signal from said one of said at least two apparatuses, and in response to the notification signal, determining an output state to be taken by said another of said at least two apparatuses based on the control rule and the location-related information (fig. 4; col. 6, lines 42-56), and (iv) an operating section for operating said another of said at least two apparatuses so as to transition into the output state determined by said determination section, wherein said determination section is also for deriving from the location-related information a distance between said one of said at least two apparatuses and said another of said at least two apparatuses (col. 6, lines 42-56), and determining not to change the output state of said another of said at least two apparatuses if the distance, as derived from the location-related information, is equal to or greater than a predetermined distance (col. 6, lines 42-56).

Re Claim 14, Dunstan discloses the apparatus operating system according to claim 13, wherein said communication section of said one of said at least two

apparatuses is for transmitting the notification signal when a user has performed an operation of changing the output state of said one of said at least two apparatuses (col. 6, lines 42-56).

Re Claim 15, Dunstan discloses the apparatus operating system according to claim 14, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when the output state of said one of said at least two apparatuses temporarily changes for a predetermined time period (col. 5, lines 47-52), said apparatus operating system further includes a state storage section for storing a pre-operation output state of said another of said at least two apparatuses (fig. 4: 425), and said operating section is for operating said another of said at least two apparatuses such that said another of said at least two apparatuses transitions into the output state determined by said determination section (col. 6, lines 42-56), and after a lapse of the predetermined time period (col. 5, lines 47-52), said operating section is for operating said another of said at least two apparatuses such that said another of said at least two apparatuses transitions into the pre-operation output state stored in said state storage section (fig. 4: 425; col. 6, lines 42-56).

Re Claim 16, Dunstan discloses the apparatus operating system according to claim 13, wherein said each of said at least two apparatuses is for outputting sound (col. 6, lines 42-56), and the output state of said each of said at least two apparatuses corresponds to a level of sound outputted from said each of said at least two apparatuses (col. 6, lines 42-56).

Re Claim 17, Dunstan discloses the apparatus operating system according to claim 13, wherein each apparatus is an air-conditioning and/or heating apparatus, and the output state corresponds to a temperature set by said each of said at least two apparatuses(*col. 5, lines 61-63: remote control devices may include air-conditioning and/or heating devices*).

Re Claim 18, Dunstan discloses the apparatus operating system according to claim 13, wherein said communication section of said one of said at least two apparatuses is for transmitting the notification signal when there is a pending increase or an increase of output of said one of said at least two apparatuses (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*), the control rule associates the pending increase or increase of the output of said one of said at least two apparatuses with a reduction of output of said another of said at least two apparatuses (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*), and said determination section is for determining the output state of said another of said at least two apparatuses so as to reduce output of said another of said at least two apparatuses (*col. 6, lines 42-56*).

Re Claim 19, Dunstan discloses the apparatus operating system according to claim 13, wherein the control rule associates an output state to be taken by said one of said at least two apparatuses with a condition for operating said one of said at least two apparatuses so as to transition into this output state (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*), said determination section is to use the location-related information to determine whether the

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condition is satisfied (*col. 6, lines 42-56*), and said operating section is for operating said another of said at least two apparatuses only when said determination section determines that the condition is satisfied (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*).

Re Claim 20, Dunstan discloses the apparatus operating system according to claim 13, wherein the control rule is to be changed in accordance with time (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*), and said determination section is for determining the output state to be taken by said another of said at least two apparatuses based on the control rule and the location-related information (*col. 6, lines 42-56*), with the control rule being associated with a time at which the notification signal is received (*col. 6, lines 42-56: system can be set where during a set bedtime, any devices on are turned off automatically*).

Claims 28-30 & 32 have been analyzed and rejected according to claim 13.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE C. MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on M-F. alt Fri. Off 7:30am-5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C Monikang/  
Examiner, Art Unit 2615

6/25/2008

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2615